

BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**  
NOV 20 2006  
ADMINISTRATIVE HEARING  
COMMISSION

W. DALE FINKE, Director,  
Missouri Department of Insurance,  
Financial Institutions and Professional  
Registration,

Petitioner,

vs.

RICHARD M. NIXON,

Respondent.

Case No.: 06-1293 DI

**STIPULATION OF FACTS AND CONSENT TO**  
**FINDING OF CAUSE FOR DISCIPLINE**  
**AND WAIVER OF HEARING**

Pursuant to the terms of Section 536.060, RSMo, as it is made applicable to the Administrative Hearing Commission by Section 621.135, RSMo, the parties to this agreement stipulate to the following facts, waive their right to a hearing and consent to a finding of cause to discipline the insurance producer license of Respondent, Richard M. Nixon (hereinafter "Nixon"), in the above-styled case before the Administrative Hearing Commission (hereinafter "AHC") of the State of Missouri.

Nixon acknowledges that he has been served, that he has received and reviewed a copy of the Complaint filed in this case, and that he submits to the jurisdiction of the AHC in this case.

Nixon acknowledges that he understands the various procedural rights and privileges afforded to him by law. These rights include, but are not limited to, the right to a hearing of the charges against him; the right to appear and be represented by legal counsel at his expense; the right to have all allegations against him proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing; the right to present evidence on his

behalf; the right to a decision based upon the record by a fair and impartial Administrative Hearing Commissioner concerning the Complaint pending against Nixon; and the right to a ruling on questions of law by an Administrative Hearing Commissioner.

Having been advised of the procedural rights provided to Nixon by operation of law, and having been advised that he may consult with counsel on this matter, Nixon knowingly and voluntarily waives these procedural rights and freely enters into this Stipulation of Facts and Consent to Finding Cause for Discipline and Waiver of Hearing (hereinafter, "Agreement"). Petitioner and Nixon also agree to be bound and abide by the terms of this Agreement.

The parties acknowledge that this Agreement is an open record of the Director to be made available for inspection to anyone requesting a copy thereof as required by Chapters 374, 610, and 621 RSMo, and that this Agreement embodies the entire agreement and understanding of the parties with respect to the subject matter contained herein. The parties hereby declare and represent that no promise, inducement, or agreement not herein expressed has been made by either party. The parties stipulate that this Agreement is in their best interests and is in the best interests of the people of this state. The parties stipulate and agree that neither party is a prevailing party in this action and that neither party is entitled to an award of fees and expenses under the provisions of Section 536.087, RSMo, or any other statute or rule. The parties agree that this Agreement does not bind or restrict the Director as to any other or future violations of the insurance laws or statutes by Nixon. The parties agree that this Commission has jurisdiction over the insurance producer license of Respondent and of this matter.

Based upon the foregoing, the Petitioner, Director W. Dale Finke, and Respondent, Richard M. Nixon, jointly stipulate to the following and request that the AHC adopt the following Stipulation

of Facts and Consent to Finding of Cause for Discipline as its own findings of fact and conclusions of law:

1. W. Dale Finke ( hereinafter, "Director") is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration Insurance, whose duties include the supervision, regulation and discipline of insurance producers the state.
2. The Missouri Department of Insurance, Financial Institutions and Professional Registration ("the department") issued a producer license to Respondent on June 3, 1996 (license # PR177489). Respondent surrendered his producer license, via letter, to the department on April 5, 2006. Respondent's producer license expired on June 3, 2006.
3. On August 28, 2006 the department filed a complaint against Nixon with the Administrative Hearing Commission seeking cause to discipline Nixon's producer license. A copy of the complaint (Case No. 06-1293 DI) was served on Nixon. In the complaint, the department sought cause to discipline Nixon's license under §§ 375.141.1(4), (5), and (6), RSMo (2000) and §§ 375.141.1(4), (6), (8), and (10), RSMo (Cum. Supp. 2005). Respondent has received and reviewed a copy of the Complaint filed with the AHC and waives the filing of an Answer in this case. Respondent submits to the jurisdiction of the AHC.
4. This Stipulation of Facts and Consent to Finding of Cause for Discipline and Waiver of Hearing was proposed by Petitioner, through his counsel, and subsequently accepted by Nixon.
5. Nixon understands that he has the right to consult legal counsel, at his own expense, and has had the opportunity to consult legal counsel regarding this matter before entering into this Agreement.
6. The allegations set forth in Count VII of Petitioner's Complaint are true.

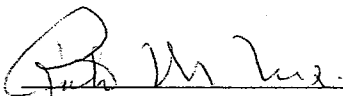
- a. On or about June 5, 2006, Nixon entered a guilty plea in Boone County Circuit Court to two (2) charges of passing a bad check for five hundred dollars (\$500) or more, a felony. On or about July 17, 2006, the Boone County Circuit Court sentenced Nixon to four (4) years incarceration with the Missouri Department of Corrections. Nixon was also ordered to pay forty-six dollars (\$46.00) in court costs and three hundred dollars (\$300.00) in public defender costs.
- b. On or about August 18, 2006, Nixon entered a guilty plea in Howard County Circuit Court to a charge of passing a bad check for five hundred dollars (\$500) or more, a felony. On or about August 18, 2006, the Howard County Circuit Court suspended the imposition of sentence and placed Nixon on probation for a period of five (5) years under the supervision of the Missouri Board of Probation and Parole. Nixon was ordered to pay twelve thousand, nine hundred dollars (\$12,900.00) restitution, forty-six dollars (\$46.00) in court costs, and three hundred dollars (\$300.00) in public defender costs upon release from the Department of Corrections.

7. Petitioner hereby dismisses Counts I-VI of his Complaint.

8. The parties to this matter stipulate and acknowledge that if the AHC makes a finding of cause to discipline pursuant to this Agreement, the Director will, based on the recommendation of the Director's Consumer Affairs Division, revoke Nixon's insurance producer license at a disciplinary hearing to be held after the AHC's finding.

9. Petitioner and Nixon waive hearing in the AHC in this matter and consent to a finding by the AHC of cause to discipline Nixon's insurance producer license based on the above stipulated facts pursuant to § 621.045, RSMo.

**WHEREFORE**, the parties to this matter voluntarily and knowingly stipulate and consent to the above cited facts and to a finding of cause to discipline the insurance producer license of Richard M. Nixon under the allegations of Count VII of the Complaint filed by the Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration in this cause. The parties further request that this Commission issue its Findings and Conclusions, and Consent Order consistent with this Stipulation.



Richard M. Nixon  
Respondent

11-15-06  
Date



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